

February 22, 2005

The City of Opelika Planning Commission held its regular monthly meeting on February 22, 2005 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters were mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Sadler, Keith Pridgen,
Dr. William D. Lazenby, Arthur Wood,
Dr. William B. Whatley, Jesse Seroyer, Jr.,
Bart Van Nieuwenhuise, Lewis Cherry

MEMBERS ABSENT: Mayor Fuller

STAFF PRESENT: Marty Ogren, Planning Director;
Alan Lee, Utilities Board;
Charlie Thomas, Engineering Director;
John Holley, City Horticulturist;
Guy Gunter, City Attorney

CALL TO ORDER: Chairman Sadler called the meeting to order at 3:00 p.m. He stated that if there were no additions or corrections to the minutes for the Planning Commission Meeting for the month of January he would like to entertain a motion to accept the minutes as written.

Dr. Whatley made a motion to accept the January 25, 2005 meeting minutes as written.
Mr. Seroyer seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Seroyer, Cherry

Nays: None

Abstention: None

The motion to accept the January 25, 2005 Planning Commission meeting minutes passed.

Chairman Sadler welcomed Mr. Lewis Cherry to be our latest appointed Planning Commissioner, appointed by Mayor Fuller.

Mr. Cherry thanked Chairman Sadler.

A. PLATS-PUBLIC HEARING

1. Lonnie M. Calloway Estates S/D, Benjamin F. Calloway, 4100 Block of Oakbowery Road, 2 lots, preliminary and final plat approval.

Mr. Ogren, Planning Director, reported that the petitioner, Marilyn Calloway Pittman for Benjamin F. Calloway, surveyed by Boles Engineering, is requesting preliminary and final plat approval in order to “cut-out” a lot from a remaining parent parcel. The proposed lot, Parcel 2A2, will be 3.00 acres. The remaining parent parcel, identified as Parcel 2A1 will be 29.2 acres. This property is located in the 4100 block of Oakbowery Road, on the north side. It is located in the Saugahatchee Watershed, which requires a minimum 3-acre lot size on parcels that are not served with public sewer.

All Planning Department preliminary and final subdivision plat requirements have been met except that front building setback lines should be indicated prior to the final plat being signed.

Planning Staff recommends preliminary and final plat approval with the above requirement being met.

Mr. Thomas, Engineering Director, stated that the plat be re-titled to L.M. Calloway Estates S/D. Since the plat subdivides existing parcel 2A2, the new lot numbers should be 2A2A & 2A2B. Also, all of parcel 2A2 should at least be represented on the plat. He recommend approval subject thereto. He said that sewer is not available to the S/D.

Mr. Lee, Utilities Board, reported that water service is accessible to this subdivision by a water main in the R.O.W. of Oakbowery Road. This lot is located in the Watershed Protection Area and does meet the 3 acre minimum size requirement for single family residential lots without sanitary sewer service that are located inside the Watershed Protection Area. A Watershed Protection Permit will have to be issued before a building permit can be obtained.

Chairman Sadler opened the public hearing.

Ms. Francella Hughley resident on Oakbowery Road came forth to ask why she was notified in regards to the Calloway Estates hearing.

Chairman Sadler stated that she was notified because she is an adjacent property owner to 4100 Block of Oakbowery Road. He said the owners wish to re-subdivide and draw new property lines on their property and Ms. Hughley has legal rights to be notified.

Ms. Hughley said that it is fine with her.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant preliminary and final plat approval with staff recommendations.

Mr. Seroyer seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Seroyer, Cherry

Nays: None

Abstention: None

The motion to recommend preliminary and final plat approval with staff recommendations passed.

2. Vickie Thrift S/D, Vickie L. Thrift, 2500 Block of Lee Road 158, Planning Jurisdiction, 3 lots, Preliminary and Final Plat Approval.

Mr. Ogren reported that the petitioner, Vickie L. Thrift, surveyed by Boles Engineering, is requesting preliminary and final plat approval in order to divide her property into three lots, each containing about 1 acre. This property is located in the Planning Jurisdiction. The petitioner is requesting to create 2 flag lots. These flag lots are necessitated in order to better utilize her property. The Planning Commission could deny the petitioner from creating the flag lots and instead require the petitioner to construct a road but Planning Staff feels that this might create an unnecessary hardship, given this unique property configuration and circumstance. An existing manufactured house exists on Parcel A and a frame dwelling exists on Parcel C. No structure currently exists on Parcel B. If a structure was to be built on Parcel B, it should comply with the following setbacks, 50' front yard, 50' rear yard and 25' side yard. The existing house on parcel C is only 15' from the rear property line so it does not comply with the R-2 nor the R-1 setback standards. If this property were to be annexed into the City Limits, it would be considered a non-conforming structure.

All Planning Department preliminary and final subdivision plat requirements have been met.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas stated that for clarity, the Engineering Department requests that the plat be re-titled as shown above. He said sewer service is not available and the plat violates the

spirit of our flag lot requirements. However, he said Engineering would not object to a one (1)-time allowance with the following conditions:

- a) A note on the plat forbidding any further subdivision of any of the properties without construction of a public roadway in full compliance with the more stringent of our Public Works Manual or Lee County Highway Department Regulations.
- b) All development is subject to compliance with ESC and storm water detention/retention requirements.
- c) A note placed on the plat, that Parcel B directly, and Parcel A via Parcel B (revised plat to follow), shall have full and perpetual ingress and egress rights to the access and utility easement shown along the northern "pole" of Parcel C. In fact, the pole portion of both lots should be included in the easement.

Mr. Thomas stated that the representatives of the applicant are aware of each of these requirements.

Mr. Lee reported that this subdivision is in the Lee-Chambers service area.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Dr. Lazenby made a motion to grant preliminary and final plat approval with staff recommendations.

Dr. Whatley seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Seroyer, Cherry

Nays: None

Abstention: None

The motion to grant preliminary and final plat approval with staff recommendations passed.

3. Lucy Jackson S/D, Bernice Fauntleroy, 1200 block of Saugahatchee Lake Road, 5-6 lots, Preliminary Plat Approval.

Mr. Ogren reported that the petitioner, Bernice Fauntleroy (surveyed by C.T. Pierce), is requesting preliminary plat approval for a six-lot single-family residential subdivision. Lots range in size from 8,000 square feet to 10,800 square feet. Lot 2A-1 and Lot 2B are 2.48 acres and 1.61 acres respectively. The petitioner plans to possibly develop these lots in the future when the proposed 60' right-of-way is constructed. The lots are proposed to be large enough to meet the development standards for their zoning designation, which is 7,500 square feet.

All Planning preliminary plat requirements have been met, except that the parent parcel Lee County Tax Parcel ID number needs to be indicated on the final plat application and/or on the plat.

Planning Staff recommends preliminary plat approval **with the condition that William Jackson of Conyers, GA sign a waiver concerning his right to proper notification.**

~~Note: It has come to the attention of Staff that all the adjoining property owners may not have been properly notified. Staff is currently verifying this. If all the adjoining property owners have not been notified then this request will need to be withdrawn until this can be corrected.~~

Mr. Thomas reported that the petitioner has proposed a new S/D name, to which Engineering has no objection. The lot numbering issue can be resolved with staff. Since Saugahatchee Lake Road is a local street, access is allowed to lots 3-6. However, Lots shown as 2A-1 and 2B, or any future subdivision of them, must take access from the proposed road. That is any additional access to Veteran's Parkway from this subdivision

is prevented by access management. Mr. Thomas reported that this subdivision is in the watershed, but is exempt from a permit, as promised by the Plan Commission at approval of the watershed S/D regulation. Recommend preliminary approval, but the following items should be addressed prior to final approval:

- a) Since a portion of the property is located in Flood Zone A, then per Section 7-62 of the City Code of Ordinances, "Base flood elevation data shall be provided for ... subdivisions greater than fifty (50) lots [parcels] or five (5) acres..."
- b) The proposed sixty (60) foot ROW should be a solid line with an approved street name.
- c) IAW Chapter 11-67, Code of Alabama, a note placed on the plat that the City is not responsible for maintenance of the unimproved ROW.
- d) Vicinity map should show Veterans Parkway, electronically available from the Engineering Department.
- e) Notes 1 & 2 need clarification.
- f) Correct legend(s) regarding manholes & iron pins existing, proposed, found & set, respectively.

Mr. Thomas stated that the applicant is aware of each of these requirements.

Mr. Lee reported that the water service is accessible to this subdivision by a water main in the R.O.W. of Saugahatchee Lake Road. No water service is accessible from Veteran's Parkway.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Mr. Van Nieuwenhuise made a motion to grant preliminary plat approval with staff recommendations.

Mr. Seroyer seconded the motion.

Chairman Sadler asked further discussion.

Mr. Pridgen stated, the board would need to make sure that the owners of this property know when subdividing or when they do subdivide, or if they decide to build onto the side of Veterans Parkway that they would have to adhere to Access Management Regulations.

Chairman Sadler asked for a vote.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer

Nays: None

Abstention: None

The motion to grant preliminary plat approval with staff recommendations passed.

4. Sander Creek, Phase II, S/D Sheldon Whittelsey for Whittelsey Properties, Evans Drive, 16 lots, Preliminary Plat Approval.

Mr. Ogren reported that the petitioner, Sheldon Whittelsey, surveyed by Fuller Land Surveying, is requesting preliminary plat approval in order to create 16 lots. Lots range in size from 1.00 acre to 1.36 acre. According to plat note 8, a 20' drainage and utility easement between Lot 7 and Lot 8 will also serve as a pedestrian access way to the Lake for the residents of Sanders Creek.

All Planning Department preliminary plat requirements have been met except for the following, which will need to be indicated prior to final plat approval:

1. Indicate the front building setback line of 35 feet.
2. Put on the application and/or the plat the parent parcel Lee County tax parcel ID number.

Planning Staff recommends preliminary plat approval.

Mr. Thomas reported that the infrastructure construction is nearing completion. He recommended preliminary approval, but the following items should be addressed prior to final approval:

- a) Existing lots 8 – 11 should each be correctly labeled 8A – 11A.
- b) Proposed lots 1 – 26 of Phase 2 should be renumbered 34 – 49, plus both parcels shown as “future phase” should be numbered on the final plat.

He stated that the representatives of the applicant are aware of each of these requirements.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Evans Drive. This subdivision is located in the Watershed Protection Area and meets the minimum lot size requirements for lots with sanitary sewer service inside the Watershed Protection Area. Each lot owner will have to obtain a Watershed Protection Permit before obtaining a building permit.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant preliminary plat approval with staff requirements.
Dr. Lazenby seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer

Nays: None

Abstention: None

The motion to grant preliminary plat approval with staff requirements passed.

5. Miles Point S/D, Troy Booth, SW corner Avenue A and South 3rd Street, 2 lots, preliminary and final plat approval.

Mr. Ogren reported that the petitioner, Troy Booth of B & B Associates, surveyed by Robertson Land Surveying, is requesting preliminary and final plat approval in order to “split” one property into two (2) lots. The proposed lots will be approximately 9,922 square feet. These proposed lots will meet the minimum lot size required in their zoning designation, R-4, which is 7,500 square feet.

All Planning Department preliminary and final subdivision plat requirements have been met except that the standard utility easement statement needs to be added to the plat prior to signing the final plat.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas reported that the applicant is cautioned that a sewer lateral may exist for either lot 1 or 2, but not both. Sewer service may be subject to payment for, and installation of one (1) or two (2) new sewer taps. He recommended approval.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of South 3rd Street.

Chairman Sadler opened the public hearing.

Rev. Slaughter came forth and stated he does not object to the request. He said that he wants it recorded in the minutes that the plot backs up to a religious organization, which is the Baptist Church and wants it noted.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Dr. Whatley made a motion to grant preliminary and final plat approval with staff recommendations.

Mr. Seroyer seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuse, Cherry, Seroyer

Nays: None

Abstention: None

The motion to grant preliminary and final plat approval passed with staff recommendations passed.

6. Stephens Woods S/D (formerly called Stephens Ridge S/D Phase II), Preston Holdings, LLC, Sawyer Drive off of Ridge Road, 22 lots, Final Plat Approval.

Mr. Ogren reported that the petitioner, Fred Peak of Preston Holdings, LLC, previously received preliminary plat approval for 95 lots in this subdivision at the Dec. 28th, 2004 Planning Commission meeting. Now the petitioner is requesting final plat approval for 22 lots (phase 1). The property is located off Ridge Road just west of the original Stephens Ridge Subdivision, which is adjacent to the Ridge Road Subdivision. Lots range in size from 9,414 sq. ft. to 19,282 sq. feet. The typical lot is around 10,000 square feet, which meets the minimum required in the R-3 of 7,500 square feet.

All Planning Department final subdivision plat requirements have been met except that the parent parcel Lee County Tax Parcel ID number needs to be indicated on the final plat prior to signing the plat.

Planning Staff recommends final plat approval.

Mr. Thomas reported that the supplemental infrastructure design drawings are under review, but much of the infrastructure, excluding sewer, is nearing completion. He recommended approval subject to the following:

- a) Approval of final plans including, but not limited to:
 1. Proposed Erosion and Sediment Control (ESC) BMP implementation
Sanitary sewer plan and profile,
 2. Storm-water management design (retention/detention) with supporting calculations; and
 3. A bond or letter of credit, payable to the City of Opelika, for any infrastructure improvements not fully complete prior to signing the final plat; and
- b) If final approval is granted subject to approval of engineering drawings, retain the signature line for the City Engineer.

Mr. Lee reported that water service will be accessible to this subdivision when construction of the new water main is complete on Sawyer Drive, and Utilities Board needs to be added to the Letter of Credit.

Chairman Sadler asked for any questions or comments.

Dr. Lazenby asked what is the recommendation about the connecting road after Lot 12; and whether it went over into the other existing subdivision.

Mr. Thomas stated that Covington intersects with the proposed Sawyer Drive, and as of now, there are no plans for a connection. He said that Engineering is still looking at that as a possibility. He said that the R.O.W. exists, and he expects to make the connection, but there are staff members within the city that have objections, so Engineering is still trying to address those issues.

Dr. Lazenby asked if the access into the subdivision would be one-way in and one-way out.

Mr. Thomas said yes.

Mr. Pridgen asked if the petitioners plan to put in a temporary cul-de-sac.

Mr. Thomas said yes.
Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to grant final plat approval with staff recommendations.
Dr. Lazenby seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer
Nays: None
Abstention: None
The motion to grant final plat approval with staff recommendations passed.

7. Tiger Town S/D, Resub. of Lot 3-C, Enterprise Drive at Frederick Road, 2 lots, preliminary and final plat approval.

Mr. Ogren reported that the petitioner, Don Kendall for TigerTown, LTD, surveyed by Pilgreen Engineering, is requesting preliminary and final plat approval for a 2-lot subdivision in the existing TigerTown Commercial Shopping Center. Proposed Lot 3-C will be 9.966 acres and proposed Lot 3-D will be 15.317 acres. These lots will be used for commercial purposes, most likely retail stores, although the petitioner did not specify a specific use.

All Planning Department preliminary and final subdivision plat requirements have been met.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas stated that it is Engineering's understanding that no access to Enterprise Drive at the 163' frontage is expected. He recommended approval.

Mr. Lee had no comment.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Van Nieuwenhuise made a motion to grant preliminary and final plat approval with staff requirements.
Dr. Lazenby seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer
Nays: None
Abstention: None
The motion to grant preliminary and final plat approval passed with staff requirements passed.

8. Foxchase on Emerald Lake, Phase III, Plainsmen Development, Inc., Pebble Shore Dr. and Blackberry Cove, 38 lots, Final Plat Approval.

Mr. Ogren reported that at the November 23, 2004, Planning Commission meeting, the petitioner, Don Ketcham for Plainsman Development Inc., requested and was granted preliminary plat approval for a 38-lot single-family subdivision addition to an existing subdivision. This will be phase 3 of the Foxchase subdivision. Today, the petitioner is requesting final plat approval for the 38 lots. The lots range in size from .53 acres to 8.15 acres with the majority of the lots being over an acre in size.

All Planning Department final subdivision plat requirements have been met.

Planning Staff recommends final plat approval.

Mr. Thomas stated that for clarity, he request Blackberry Cove as one word, unlike that shown on current street name signs. He further, requests that surveyor adjusts their scale and fonts to fit S/D plat on a single "D" size drawing, or perhaps 30" X 42" max. Draft plans are under review. Existing sewer is available. He recommended approval, subject to:

- a) Clarify D & U on lot 74, and spell out Drainage & Utility Easement, as applicable.
- b) Current & proposed City Limits should be shown.
- c) Existing property owners south of lots 103 & 67.
- d) Show proposed cul-de-sac on Ski Spray Point
- e) Approval of final plans including, but not limited to:
 - Proposed Erosion and Sediment Control (ESC) BMP implementation
 - Sanitary sewer plan and profile,
 - Roadway plan and profile,
 - Storm-water management design (retention/detention) with supporting calculations; and
 - A bond or letter of credit, payable to the City of Opelika, for any infrastructure improvements not fully complete prior to signing the final plat; and
- f) If final approval is granted subject to approval of engineering drawings, retain the signature line for the City Engineer.

Mr. Lee reported that this subdivision is in the Beauregard Water Authority's service area.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Lazenby made a motion to grant final plat approval with staff requirements.
Mr. Pridgen seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer

Nays: None

Abstention: None

The motion to grant final plat approval with staff requirements passed.

9. Village Professional Park, Cleveland Brothers, Inc., SW corner of Waverly Parkway and Dunlop Drive, 2 lots, P/F Plat Approval.

Mr. Ogren reported that the petitioners, the Cleveland Brothers, surveyed by Grady Jimmerson, are requesting preliminary and final plat approval to "carve out" a commercial lot. The proposed lot, Lot 1, will be about 3.45 acres. The proposal is to use the lot for a medical office building.

All Planning Department preliminary and final subdivision plat requirements have been met, except for the following items which will need to be added to the plat prior to the plat being signed:

1. A location map needs to be added to the plat.
2. Standard utility easement statement needs to be added to the plat.
3. Description Key of the monuments.
4. Put on the application and/or the plat the parent parcel Lee County tax parcel ID number.

Planning Staff recommends preliminary and final plat approval with the condition that the fore mentioned items would be added to the plat prior to the plat being signed.

Mr. Thomas reported that draft plans are under review. The proposed development has been reviewed on multiple occasions by staff, the Commission, and Council. Engineering has no objection to preliminary and final approval, subject to the following:

- a) Lots may be numbered 1 & 2.

- b) Show proposed sewer easements, if known. Public sewer should be made available to lot 1.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Waverly Parkway.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Van Nieuwenhuise made a motion to grant preliminary and final plat approval with staff requirements.

Mr. Seroyer seconded the motion.

Chairman Sadler asked for a vote.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer

Nays: None

Abstention: None

The motion to grant preliminary and final plat approval with staff requirements passed.

10. Easton S/D, Charlie Williamson & Associates, 2215 Cunningham Dr., 25 lots, Preliminary Plat Approval.

Mr. Ogren reported that the petitioner, Charlie Williamson and Associates, surveyed by Arthur Nettles, is requesting preliminary plat approval in order to create a 25-lot zero-lot line, single-family residential subdivision off of Cunningham Drive. Zero-lot line homes are permitted in the R-4 zoning district as a conditional use, see item C.12 of the agenda. Lots are proposed to range in size from 7,505 square feet to 13,140 square feet, which will meet the minimum required lot size of 7,500 square feet. No minimum lot width is specified in the zoning ordinance or in the subdivision regulations concerning zero-lot lines. The petitioner is proposing a minimum lot width of 50 feet. This seems a reasonable standard for zero-lot line homes. The minimum lot width for non zero-lot line homes is 60 feet. Zero-lot line homes mean that one of the side yards need not meet the traditional side yard setback, just as long as a separation between dwelling units of 10 feet is maintained and all building codes are met.

All Planning Department preliminary plat requirements have been met except for the following, which will need to be met prior to final plat approval:

1. There appear to be two dwellings on the lot. All existing buildings, structures, etc. need to be indicated as such with the plans for such structures also indicated, i.e. "existing house to be removed."
2. Need to "tie" survey to a section corner.
3. Need to include standard utility easement statement.
4. Need to include locations and descriptions of monuments.
5. Need to include front building setback lines.

Planning Staff recommends preliminary plat approval with the above requirements being addressed prior to final plat approval and the Planning Commission granting a waiver of the minimum lot size of 60 feet to 50 feet since the proposal is for zero-lot line homes and the petitioner is going through the conditional use process.

Mr. Thomas reported that site issues of the development are addressed at Item E.7. Several infrastructure items remain unresolved, but we are confident in staff's ability to resolve them. Specifically, proposed variance in ROW and/or paving width is subject to our understanding that each unit will have a two (2)-car garage and two (2) additional off street parking places. He recommends preliminary approval, but the following items should be addressed prior to final approval:

- a) At the request of the Public Works Department, add a note to the plat that trash cans must be placed on the public ROW for pick up.

- b) Due to lot size and zoning, public sewer is required. Such service may be available via the currently private (soon to be public) sewer serving Piney Woods Mobile Home Park.

Mr. Lee reported Water service is accessible to this subdivision by a water main in the R.O.W. of Cunningham Drive.

Chairman Sadler opened the public hearing.

Ms. Dale Rogers of 2210 Cunningham Drive, came forth to ask a question in regards to the street stating that it is in poor condition and has complained several times to the Engineering Department. She stated that she has resided there since 1991, and since she moved there, two subdivisions has been developed in the area, and stated that the traffic is heavy going to Wal-Mart, and said that the large trucks going to the plant have ruined the road. She said that the Engineering Department informed her that Cunningham Drive is number 8 on the list to be fixed. She said that she is concerned that the new proposed subdivision coming in would create more traffic and she would like to see added better streets put in and not allow large trucks to travel on those roads. She said that there are children present and that the speed zone is 35mph, and feels this is too much for this residential area. She said that in the past, accidents have taken place, and she would like to see changes take place.

Mr. Bill Hawkins came forth with questions regarding leaving a buffer on the side of the adjacent property owners, and asked if the developer plans to leave the buffer in place.

Mr. Williamson stated that it's his plan to place a privacy fence and buffer along the side. He also asked if city sewer would be placed on Cunningham Drive.

Mr. Thomas stated that the plat is preliminary and something may be worked out to provide city sewer.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Van Nieuwenhuise made a motion to grant preliminary plat approval with staff requirements.

Dr. Whatley seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer

Nays: None

Abstention: None

The motion to grant the preliminary plat approval with staff requirements passed.

B. SKETCH PLAN REVIEW ONLY

11. Oasis recycling center, 2600 South Uniroyal Road, Arthur Jordan, M-1.

The petitioner, Arthur Jordan, is not requesting a formal submittal for conditional use but rather sketch plan review for a proposed recycling center. After this review, a formal site plan will need to be submitted for Conditional Use approval. No final decision will be rendered by the Planning Commission at this time but rather the applicant is requesting recommendations, questions, and any comments before any more funds are expended to proceed with the project.

The property is located at the 2600 block of South Uniroyal Road, directly across the street from McKenzie Tank Lines and next to the train tracks. The property is zoned M-1 (Manufacturing). The petitioner is proposing to locate a recycling center inside an existing metal building and is proposing an addition to the existing metal building to the rear over an existing slab. The petitioner writes in his report that he proposes to "recycle aluminum cans and aluminum products, copper, brass and stainless steel." The petitioner adds in his application that the business will not become "a junk yard...everything [that] comes in for recycling will be processed and shipped out on a daily basis." Further, in

order to minimize any adverse affects from the proposed use on surrounding property owners, the petitioner proposes to erect a “privacy fence” at whatever height the Planning Commission would find reasonable to ensure that no materials can be visible from off the property. Planning Staff thinks a 6-foot high wooden privacy fence may be appropriate. Also, Staff would like to recommend that the existing, natural, undisturbed buffer that exists between the property and the adjoining property to the southwest remain to buffer the commercial property from the existing residential use.

Planning Staff Recommendation

Since the property is zoned manufacturing and since it seems that impact to neighboring properties will be minimal, Planning Staff recommends that the petitioner proceed with a formal submittal to the Planning Commission that would include a landscape plan and a site plan with the following recommendations:

1. A 6-foot high, wood fence shall be erected on the property as indicated on the rendering.
2. All materials shall be stored inside the building. Some material may occasionally be stored outside as long as it is stored behind the 6-foot high wood fence and is not visible from the road or off the property.
3. The existing, natural undisturbed buffer shall remain on the property.

Mr. Thomas reported that South Uniroyal Road is classified as a major collector road with access spacing of 200 feet. For access management purposes, he has treated the existing railroad as an intersection. Incorporating by reference, Section X, final paragraph of the Public Works Manual, although the proposed drives may not meet the letter of our access management regulations, such circumstances provide opportunities for a development friendly city like Opelika to demonstrate its flexibility, which we are confident in staff’s ability to resolve. The proposed new southern drive should be both one-way exits only and as near to 100’ from the RR as possible. The two (2) existing driveways are spaced at about sixty-feet (60’). Therefore, the northern (steeper) existing concrete drive should be removed or closed, and spacing to the new southern drive should be maximized with 200 feet (200’) optimum. To minimize impervious cover, gravel driveway shown may be gravel behind the fence, with a minimum fifty-foot (50’) concrete apron at South Uniroyal Road. However, employee and visitor parking spaces, including handicapped, per planning requirements, should be paved and striped. Subject to storm-water management requirements (retention/detention) with supporting calculations, Engineering recommends positive consideration.

Mr. Lee reported that water service is accessible to this use by a water main in the R.O.W. of South Uniroyal Road.

Mr. John Holley, City Horticulturist, reported that the petitioner would need to submit a more detailed plan from an architect or designer when resubmitted for conditional use approval. Also he would recommend not disturbing any plant material that would serve as a buffer for any surrounding residential areas.

Chairman Sadler asked for comments or questions.

Mr. Pridgen stated that he would like to clarify that the city doesn’t want 3 entrances or driveways so one drive needs to be closed.

Chairman Sadler stated that this request couldn’t be voted on today, but that Mr. Jordan is approved to proceed for a Conditional Use request when he is ready to re-apply with required drawings.

C. CONDITIONAL USE

- 12. Easton S/D, 25 Zero-lot line homes, 2215 Cunningham Drive, Charlie Williamson & Associates, R-4.**

Mr. Ogren reported that the petitioner, Charlie Williamson and Associates, is requesting conditional use approval to allow the development of a zero-lot line subdivision, consisting of 25 zero-lot line homes. Preliminary subdivision approval was reviewed as item A. 10 on this agenda. The proposal is to have all lots fronting Easton Drive (a new road to be constructed) to have rear entry two-car garages to be accessed by private drives/alleys. Seven lots on the east side of Easton Court (also a new road to be constructed) will have front entry two-car garages connecting to the street. The petitioner is proposing to have a 25' front yard setback, 20' rear yard setback and 5' side yard setbacks. These homes are actually modified zero-lot homes because they will be 5 feet from the side property line. True zero-lot homes are placed on one of the side property lines. The request is really for more of a modified zero-lot. Considering we have had some problems with true zero-lot lines homes, Planning Staff prefers these modified zero-lot lines. Houses will be 10' apart as required by the building code. Also, windows, doors, and any other kinds of openings may be limited on the sides of the building depending upon the side yard setback. The purpose of zero-lot line homes is to address the needs of certain homeowners for an affordable home with low, landscaping maintenance requirements. The concept of the zero-lot home is that some people really do not need nor want a side yard yet the want to be separated from their neighbor. John Rice developed the first zero-lot line homes in Century Park, about a year ago.

Mr. Thomas reported that the private drive to the rear of each residence may need turn around stub-out(s) or aprons, but this can be addressed in civil site drawings. Engineering design plans should include, but are not limited to, proposed Erosion and Sediment Control (ESC) BMP implementation. Sidewalks are not shown in the public ROW. Finally, as previously stated at Item A.10, trashcans should be placed on the Easton Drive or Court ROW for public pickup. He recommended approval.

Mr. Lee had no comment.

Mr. Holley had no comment.

Chairman Sadler asked for questions or comments.

Dr. Whatley asked about the design description and size of the proposed homes.

Mr. Gordon Painter stated that the homes will be similar in size as to what is already there around 1,500 sq. ft. with a garage, and the design will vary from spec houses with different materials being used.

Chairman Sadler asked about the sanitation service, and how the homeowner will dispose of refuse.

Mr. Painter stated that the homeowner would take their canister from the rear and around the side of their home and place it on the street for the city to pick up.

Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to grant the conditional use approval with staff recommendations.

Mr. Pridgen seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuse, Cherry, Seroyer

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

13. King Used Car Lot, 3507 Pepperell Parkway, Joan C. King for George W. King, C-3, GC-2.

The petitioner, George King, would like conditional use approval for a used car sales lot to be located at 3507 Pepperell Parkway. This property is located between Pizza Hut and

Mr. Transmission. Across the street is a Liberty gas station, Dynasty Manufactured Home sales and Val-U-Zone (used car sales). The Planning Commission looked at a similar request for this property from Doug Cannon on July 27, 2004. The Planning Commission approved that request with the same conditions as Staff states in this report.

Based on the character of the area, Staff thinks the proposed use would be appropriate for the location. Requiring that the cars be parked on the property owner's paved parking area and not on the Public Right-of-Way could minimize adverse effect. Also, the petitioner is proposing to landscape the site and asphalt the parking lot. These improvements will serve to minimize any adverse affects the proposed use might have on the surrounding property owners.

The parking requirement is as follows: "One (1) space per fifteen hundred (1,500) square feet of gross floor area of customer sales and service. In addition, all area used for outside display of automobiles must be hard surfaced according to the standards for parking areas, as found in the Public Works Manual." The petitioner is proposing to increase the paving of this lot to meet this requirement.

In addition, the petitioner is required to have a natural material for the façade of the proposed building since it is in the Gateway district. Also, the gateway lighting requirements will need to be met, which means outdoor lighting cannot exceed one foot-candle as measured from the property line.

Planning Staff Recommendation

Staff concludes that the proposed conditional use is reasonable and appropriate at this location because it is located near other auto-related uses and outside storage uses (manufactured home sales lot). All the conditional use standards, and site plan requirements should be able to be met. Therefore, Planning Staff recommends approval of the submitted site plan with the following conditions:

1. The parking requirement shall be met as specified in the Zoning Ordinance and Public Works Manual.
2. No cars shall be parked, displayed or stored on the Public Right-of-Way.
3. A permit shall be obtained prior to the installation of any signage, including temporary signage, banners, and balloons, etc.
4. Cars, including "for sale" cars, shall only be parked in the designated, paved area.
5. All gateway requirements, including façade requirements, setback requirements, parking lot lighting requirements, etc. shall be met and a revised site plan, if determined necessary, shall be submitted prior to being issued a building permit.
6. If fencing shall be installed, please specify the exact type of fencing to be used prior to obtaining a building permit. Razor wire, concertina coils, etc. are not considered appropriate.
7. The petitioner shall submit proof of compliance with the Opelika Zoning Ordinance Section 8.17 5. Conditional Uses, which states that "In the event a permit for Conditional use is approved or approved subject to conditions the applicant shall in writing within fifteen (15) days following such decision, acknowledge such approval and unconditionally accept and agree to any conditions imposed on the approval. The City Planner shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. In the event such permit is not approved or is approved subject to conditions, that are not acceptable to the applicant, the applicant may, within the aforesaid time period, either appeal such decision to Circuit Court or abandon the application at the expiration of this fifteen (15) day period."

Mr. Thomas stated that although the access shown on the site plan does not meet the letter of our access management regulations, it is the best available solution, consistent with existing utility conflicts and legal provisions that access must be provided to every lot. Thus, our recommendation incorporates by reference Section X of the Public Works Manual, providing for Planning Commission variances on matters of road design and layout. All site work on the property is subject to storm-water and ESC requirements. Storm-water detention/retention is not shown on the site plan. Minimal new runoff is expected, but calculations should be submitted for confirmation. An Erosion and

Sediment Control plan should be submitted for approval prior to any site work. Subject to these conditions engineering recommends approval.

Mr. Lee reported that water service is accessible to this use by a water main in the northern R.O.W. of Pepperell Parkway.

Mr. Holley recommended approval.

Chairman Sadler asked for questions or comments.

Dr. Whatley made a motion to grant conditional use approval with staff recommendations.

Mr. Seroyer seconded the motion.

Chairman Sadler asked for further discussion.

Mr. Pridgen stated that regards to the façade on the front of the building, it must be natural material, and the sides and back with at least 15ft. of natural material.

Chairman Sadler asked the petitioner how deep is the building?

She said 30 feet.

Chairman Sadler asked her what kind of natural material was she planning to use.

She said the building will be made mostly out of glass on the front and down the sides.

Mr. Pridgen said that the sides should be 15ft. deep with natural material and the rest could be metal.

Chairman Sadler asked for a vote.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

D. AMENDMENT TO PUD

14. Request to amend the maximum height and square footage for a freestanding sign and to allow the erection of an Interstate Drive monument sign for the TigerTown PUD.

At the March 23, 2004 Planning Commission meeting, the petitioner, Newton, Oldacre and McDonald, submitted to the Planning Commission the “remainder of their signage plan for Tiger Town” (see attached minutes). The petitioner would now like to request:

1. Revise the height and location of the previously approved TigerTown III monument sign, from 40’ tall to 50’ tall. And move the sign about 350’ east of the originally proposed location. Originally, this monument sign was to be located parallel to the front of a commercial building (Kroger’s) and 700’ from the “Frederick Road Monument Sign” at the crest of the hill on Frederick Road at the most western side of TigerTown. The new proposed sign is to be located 350’ west of the existing “Frederick Road Monument Sign.”
2. Also, the petitioner would like to erect an additional sign to serve the tenants that will be located off Interstate Drive. This sign is to be known as the “TigerTown Interstate Drive Monument Sign.” This sign is proposed to be 30’ tall which is the maximum height specified in the Zoning Ordinance.

Staff Comments

It appears that the proposed signs are located in or near the airport approach zone; therefore, the petitioner needs to obtain an approval letter from the FAA, according to the local airport director, Bill Hutto, the petitioner needs to submit a 7460 form so it can be

evaluated by the FAA. In addition, based on Staff observation and if the height is approved by the FAA and the local airport authority, the original sign location at the crest of the hill, appears a more logical location. Since this location is at a higher elevation than the proposed location, a sign height variance should not be needed.

As for the request for an additional sign for the Interstate Drive tenants, again Planning Staff would like to receive feedback from the FAA and local airport authority prior to making its recommendation. If the airport authorities sign off, then this request is all right with Planning Staff.

A final comment: at the March 23, 2004 meeting, the last time the petitioner made a sign request, the following motion was made:

“Mr. Van Nieuwenhuise made a motion to approve the sign package as recommended by the Planning Department, the sign identified as 7 of 10 should be re-titled as an “entrance sign” not a “monument sign” and shall look as illustrated on the submitted drawing by requiring and maintaining landscaping around the pole portion of the sign. And send a positive recommendation to City Council for the entrance signs in the right-of-way.”

Planning Staff has recently taken photographs of the “entrance sign” identified in the motion and the landscaping does not “look as illustrated on the submitted drawing” (see copies of photographs and submitted illustration, distributed at the PC Worksession). The intent of the evergreen, substantial landscaping was to hide the pole portion of the entrance sign. The Planning Commission wanted the entrance sign to be a monument sign. As a compromise, the petitioner assured the Planning Commission that he would install substantial landscaping so as to “hide” the pole portion of the sign, so that the entrance sign would appear as a monument sign. Since the current landscaping does not hide the pole, Staff feels the petitioner should convert the existing pole sign to a monument sign by skirting it or installing some kind of base or the petitioner should install the landscaping as illustrated on their submittal, dated 12/11/03. And it might be a good idea for the Planning Commission to set a deadline for this sign to be brought into compliance.

Note: If the Planning Commission approves the proposed signs, then prior to receiving a sign permit, the Planning Department recommends the following conditions:

1. Proof of approval of form 7460 by the FAA.
2. Planting a sufficient evergreen shrub in front of the TigerTown entrance sign to hide the pole portion of the sign at the time of planting.

Taken from the Minutes from the March 23, 2004 Planning Commission meeting:

18. Tiger Town LTD, Don Kendall, requesting approval for freestanding/monument signs within Tiger Town shopping center.

The petitioner, Newton, Oldacre and McDonald, would like to submit to the Planning Commission the remainder of their signage plan for Tiger Town. The petitioner notes in his application that two signs: the TigerTown Blvd. Entrance sign and the Out parcel monument sign located at the entrance of TigerTown III, are proposed to be located in the public right-of-way so will require approval for such location from the City Council.

The Planning Commission reviewed the first phase of the Tiger Town sign plan at their October 28, 2003 meeting. At this meeting, the Planning Commission reviewed the I-85 pylon sign and the Home Depot signage along with other TigerTown development signs. The final motion was to approve the one (1) interstate pylon sign with the three (3) 40 ft. freestanding signs, with the understanding that if more signage is needed in the future, the developer could petition the Planning Commission. See minutes below:

Taken from the October 28, 2003 minutes:

15. Signage plan for Tiger Town including interstate signage.

Ms. Bader reported that the petitioner, Newton, Oldacre and McDonald, would like to submit to the Planning Commission their signage plan for the Tiger Town Directory signs, Home Depot wall signs, and one interstate pylon sign. The two-monument signs meet the PUD requirements previously established for this project. The one interstate pylon sign will require Planning Commission approval since it will not meet the PUD standards or the City’s sign ordinance. The Planning Commission reviewed a similar request for an interstate pylon sign for Lowe’s on March 23, 1999. Below are minutes from this meeting concerning the Lowe’s signage request.

To summarize the minutes, Lowe's requested and was granted two 100-foot panel signs for a total square footage of 200 square feet at a height of 40 feet for their highway pylon sign. Tiger Town is requesting 8 panel signs with a total square footage of 768 square feet and a total height of 95' high sign. The City sign ordinance does not address pylon highway signs. The maximum square footage for freestanding signs in the gateway district is 100 square feet and a maximum height of 30 feet. Planning Commission needs to ensure that there is either an unnecessary hardship or a unique circumstance that would justify such a variance from the sign regulations.

Ms. Smith reported that Engineering recommends approval.

Utilities Board had no comment.

Chairman Sadler asked for questions or comments.

Mr. Van Nieuwenhuse asked the developer if this request would be for only 3 freestanding signs, including the pylon signs.

The developer stated that what he wants at today's meeting is all for Phase II. This includes two monument signs, one on Frederick and one off Hwy. 280 interstate pylon sign, plus wall signage with the intent of building another monument sign which will serve the tenants in Phase I, and also a sign at the entrance.

The developer stated that he would like to come back at a later date to finalize the plans and present a more comprehensive signage package that will include the first mentioned signs, with guidelines for out-parcels.

Mr. Van Nieuwenhuse made a comment stating that the size of these signs and the construction and design, one might think that they are monument signs, but actually if they are 40' ft in height, they would be freestanding signs according to the ordinance, he stated that monument signs usually are low and moderate in height, and not high in height.

Mr. Van Nieuwenhuse also asked if there is going to be one more 40' foot freestanding sign in the future.

Mr. Pridgen asked if this is going to be the only request for a sign on I-85?

Mr. Van Nieuwenhuse stated that there are 2 proposed signs at 40' height.

The developer stated that the signs would not be on the interstate.

Mr. Van Nieuwenhuse stated that it doesn't matter; the signs are still 40' high signs.

The developer stated that at this time, the owners do not feel the need to have additional interstate signage.

Mr. Van Nieuwenhuse made a motion to approve one (1) interstate pylon sign with three (3) 40 ft. freestanding signs, with the understanding that if more signage is needed in the future, the developer could petition the Planning Commission.

Dr. Phillips seconded the motion.

Chairman Sadler asked for further discussion.

Commissioners shared their views and opinions concerning future signage for Tiger Town Development.

Chairman Sadler asked for a vote.

Ayes: Whatley, Pridgen, Van Nieuwenhuse, Wood, Phillips, Lazenby

Nays: None

Abstention: None

The motion to approve the requested signs passed.

_____ End of October 28, 2003 minutes _____

Planning Staff thinks the proposed signs for the most part look appropriate for this development. As for locating two signs in the rights-of-way, Planning Staff will defer their recommendation to the Engineering Staff since the rights-of-way matter is more of an engineering concern. The only signs that Planning Staff has concerns about are the following: the sign numbered 7 of 10. All the other signs in the development, excluding the Interstate sign, are monument signs. Sign 7 of 10 could appear to be a monument sign but it doesn't meet the sign definition of a monument sign according to the International Zoning Code. This might set a bad precedent. Staff recommends approval of the following signs: 1 of 10, 3 of 10, 5 of 10 and 8 of 10. Staff has reservations about the following sign: 7 of 10. However, if the Planning Commission is comfortable with this sign, Staff is fine with it. Staff just wanted to point out that this sign does not follow the true definition of a monument sign. If the Planning Commission does decide to approve this sign (7 of 10), then Planning Staff would recommend that it be approved with the condition that this sign must look like a monument sign, as is illustrated on the submitted drawing, by requiring and maintaining landscaping around the pole portion of the sign.

Mr. Thomas requests that a positive recommendation to City Council be sent for approval of Retail/Out parcel monument and Tiger town Parkway Entrance signs.

Utilities Board had no comment.

City Horticulturist had no comment.

Mr. Van Nieuwenhuise made a motion to approve the sign package as recommended by the Planning Department, the sign identified as 7 of 10 should be re-titled as an “entrance sign” not a “monument sign” and shall look as illustrated on the submitted drawing by requiring and maintaining landscaping around the pole portion of the sign. And send a positive recommendation to City Council for the entrance signs in the right-of-way.

Dr. Phillips seconded the motion.

Ayes: Van Nieuwenhuise, Phillips, Wood, Seroyer, Patton, Pridgen

Nays: None

Abstention: None

The motion to approve the sign package as recommended by the Planning Department, the sign identified as 7 of 10 should be re-titled as an “entrance sign” not a “monument sign” and shall look as illustrated on the submitted drawing by requiring and maintaining landscaping around the pole portion of the sign. And send a positive recommendation to City Council for the entrance signs in the right-of-way passed

__End of minute comments__

Mr. Thomas had no comment.

Mr. Lee had no comment.

Mr. Holley had no comment.

Chairman Sadler asked for questions or comments.

Mr. Van Nieuwenhuise stated that he has a concern with the never-ending request for additional signage in Tiger Town. He said that it was a concern of his at the March 23, 2003 meeting, and also the height of the monument signs that are designated; are not true monument signs. He said because of that he would have to vote against any additional signage.

Chairman Sadler stated that what the city should do is form a sub-committee in the future to re-evaluate the sign ordinance, which pertains to multi-use shopping center like Tiger Town. He said this is this city’s first multi-use planned unit development (PUD). He said the city should have a portion of the sign ordinance to relate to this type of development.

Mr. Pridgen asked about the new Frederick Road sign with changing the location to a lower sign. He said it was his understanding for their justification for going higher. He asked the developers if what they’ve done is the height of the sign from Frederick Road basically going to be the same height? He stated that he would like to make a motion that the commission allows it to be a 40ft. maximum height evaluation at Frederick Road with the guidelines being determined by the Engineering Department. He stated that the signs do not need to keep going higher and higher.

Dr. Lazenby stated that the city shouldn’t keep a tenant away on the basis of a 10-foot sign.

Chairman Sadler stated that we have a variance authority because this is a planned unit development, and that’s the only reason we can allow flexibility.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to send a positive recommendation to city council.

Mr. Seroyer seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Cherry, Seroyer

Nays: Van Nieuwenhuise

Abstention: None

The motion to send a positive recommendation to city council passed.

E. AMENDMENT TO ZONING ORDINANCE-PUBLIC HEARING

15. Amending Zoning Ordinance and Subdivision Regulations for application deadline date. Change from 15 days to 21 days.

Mr. Ogren reported that he checked with some surrounding cities in regards to their Planning Commission deadline and found that Gadsden, AL has 14 days; Bessemer has 30 days; Decatur has 21 days; Huntsville has 15 days; Anniston has 10 days; and Auburn has 21 days.

Chairman Sadler stated that the reason for this request is for the staff to enter more data processing into the city's Naviline System.

Mr. Ogren said that it takes longer now to enter parcel number, reports, and agendas into the system, which should help the citizens in the long term for years to come using their home computers to check the status of their projects submitted to the city.

Chairman Sadler asked Mr. Ogren if the Planning Department is efficiently staffed well enough to handle the excessive added data, even with 21 days. He asked if more help would be needed to accomplish this.

Mr. Ogren said that the department would take it one step at a time and see how it will go first before a request for more help is taken. He said that the department is asking for an amendment to change the deadline from 15 days to 21 days to allow for data processing.

Chairman Sadler asked if the local engineers and surveyors have been notified of this deadline change.

Mr. Ogren said no, not yet because it needs to be advertised in the newspaper and then brought before Planning Commission for a public hearing and then sent to City Council for approval. He said letters would be sent out notifying engineers and surveyors for the deadline change. He reminded the board that Auburn's Planning Commission deadline is also 21 days.

With no further business on the agenda, Chairman Sadler adjourned the meeting at 4 p.m.

_____ H.J. Sadler, Chairman

_____ Martin D. Ogren, Secretary